IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

MONDAY, THE 10TH SEPTEMBER 2007 / 19TH BHADRA 1929

WP(C).No. 26454 of 2007(Y)

PETITIONER:

RAFI, AGED 45, S/O.INIKKAL RAPPAI,
MURIYAD VILLAGE & DESOM, MUKUNDAPURAM TALUK,
IRINGALAKUDA.

BY ADV. SRI.K.S.MADHUSOODANAN

RESPONDENTS:

KODAKARA GRAMA PANCHAYATH,
KODAKARA, THRISSUR REP.BY SECRETARY.

BY ADV. SRI.P.VIJAYA BHANU

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 10/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WPC.NO.26454/2007 Y

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1: **COPY OF THE COMPROMISE DECREE IN O.S.132/93 DTD. 29/06/93.**

EXT.P2: **COPY OF THE LICENSE FEE RECEIPT DTD. 8/05/07.**

EXT.P3: **COPY OF THE RENT RECEIPT DTD. 22/08/07.**

EXT.P4: **COPY OF THE ORDER IN E.A.757/07 IN E.P.210/07 IN O.S.132/93 DTD. 23/06/07.**

EXT.P5: **COPY OF THE ORDER IN E.A.755/07 IN E.P.295/00 IN O.S.132/93 DTD. 6/08/07.**

EXT.P6: **COPY OF THE ORDER IN BAIL APPLN. NO.3951/07 DTD. 29/06/07.**

EXT.P7: **COPY OF THE STOP MEMO ISSUED BY THE RESPONDENT DTD. 10/08/07.**

EXT.P8: **COPY OF THE ORDER IN E.A.1132/07 IN E.P.210/07 IN O.S.132/93 DTD. 24/08/07.**

/TRUE COPY/

P.S.TO JUDGE

KSS

M.N.KRISHNAN, J

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W.P.(C) No.26454 OF 2007

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Dated this the 10th day of September 2007

JUDGMENT

This writ petition is filed to set aside Ext.P8 order passed by the Prl.Sub Judge, Irinjalakuda in E.A.No.1132/2007 in E.P.No.210/2007 in O.S.No.132/1993. The learned Sub Judge held that license cannot be issued in violation of the rules and therefore unless the statutory requirements are complied with, license cannot be renewed or granted. Admittedly the application for renewal of license is pending before the authority. Ext.P7 is a notice issued by the Panchayat whereby it alleges that the petitioner has sold meat in contravention of the rules. It is stated therein that the meat can be sold only which is purchased from an authorised slaughter house which has got the clearance from the State Pollution Control Board and those details are to be exhibited before the shop. The question of exhibiting will arise only after satisfaction of the statutory requirements and granting a license. So there is some force in the contention of the Panchayat that the decree holder must be able to satisfy the Panchayat regarding the fact that the meat is procured from a place which is approved

and that it has got clearance from the State Pollution Control Board. On satisfaction of these two grounds, it has to be held that the decree holder can be permitted to have the renewal of license.

Therefore, I grant two weeks' time to the petitioner to satisfy the Panchayat about the fulfillment of these conditions and thereafter on satisfaction of the same, the Panchayat shall issue license to him and it shall not reject it on some other flimsy grounds.

Writ petition is disposed of accordingly.

M.N.KRISHNAN, JUDGE

Cdp/-